

(c) *Non-Bureau of Prisons positions in the Federal Government* means any competitive service positions (other than positions covered by the Federal Bureau of Prisons Priority Consideration Program).

(d) *Priority consideration* means a displaced DC DOC employee eligible under this subpart who applies for a vacancy and is determined to be well-qualified and accorded similar priority and order of selection as an eligible current or former displaced Federal employee under 5 CFR 330, subpart G—Inter-agency Career Transition Assistance Plan for Displaced Employees. In addition, DC DOC employees are eligible for this priority consideration without regard to any geographical restrictions.

(e) *Well-qualified employee* means an eligible employee who possesses the knowledge, skills, and abilities which clearly exceed the minimum qualification requirements for the position. A well-qualified employee will not necessarily meet the agency's definition of "highly or best qualified," when evaluated against other candidates who apply for a particular vacancy, but must satisfy the following criteria, as determined and consistently applied by the agency.

(1) Meets the basic qualification standards and eligibility requirements for the position, including any medical qualifications, suitability, citizenship, and minimum educational and experience requirements;

(2) Satisfies one of the following qualifications requirements:

(i) Meets all selective factors where applicable. Meets appropriate quality rating factor levels as determined by the agency. Selective and quality ranking factors cannot be so restrictive that they run counter to the goal of placing displaced employees. In the absence of selective and quality ranking factors, selecting officials will document the job-related reason(s) the eligible employee is or is not considered to be well qualified; or

(ii) Is rated by the agency to be above minimally qualified in accordance with the agency's specific rating and ranking process. Generally, this means that the individual may or may not meet the agency's test for "highly quali-

fied," but would in fact, exceed the minimum qualifications for the position;

(3) Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;

(4) Meets any special qualifying condition(s) that OPM has approved for the position; and

(5) Is able to satisfactorily perform the duties of the position upon entry.

#### **§ 330.1104 Eligibility.**

(a) To be eligible for priority consideration, an employee of the DC DOC must:

(1) Be in receipt of a RIF separation notice from the DC Department of Corrections in connection with the closure of the Lorton Correctional Complex.

(2) Have not been appointed to a Federal Bureau of Prisons law enforcement position.

(3) Apply for a vacancy within the time frames established by the agency;

(4) Be determined by the agency as well-qualified for the specific vacancy.

(b) *Eligibility for priority consideration begins:* on the date the DC DOC employee receives or is issued a specific RIF separation notice by the DC DOC.

(c) *Eligibility expires:*

(1) One year after the closing of the Lorton Correctional Complex;

(2) When the DC DOC employee is no longer being separated by RIF;

(3) When the DC DOC employee receives a career, career-conditional, or excepted appointment without time limit in any Federal agency at any grade level;

(4) When the DC DOC employee voluntarily separates by resignation or retirement prior to the RIF effective date; or

(5) When the DC DOC employee is separated involuntarily other than by RIF prior to the RIF effective date.

#### **§ 330.1105 Selection.**

If two or more individuals apply for a vacancy and are determined to be well-qualified, and meet the eligibility requirements under § 330.704(a) or § 330.1104(a), the agency would have the discretion of selecting any of these eligible employees.